

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

# FRANCES AMBER TYSON

VS.

# ENCOMPASS HEALTH

As a national leader of inpatient rehabilitation hospitals and in home-based care, Encompass

**Health offers both facility-based and home-based patient care through its network of inpatient**

rehabilitation hospitals, home health agencies, and hospice agencies.

On June 24th I transferred from Dothan AL Encompass Health to the TMC – Virtual Team in Houston Tx of Encompass Health. I was notified upon the receipt of the assigned account that had a DPT who was on staff with St. Luke's that would assist in any way as possible and was also on our payroll.

On July 2nd a joke about crack heads was sent on our group thread with racial undertones with Encompass's Regional Vice President on the thread as well as other business development directors.

On 7/19/2021 I was sent a photo by Kristin beck, DPT employee for St. Luke's and an employee

26 for Encompass Health from her personal phone to my work phone of patient information that  
27 was a picture of her work computer with the patient information on it. I immediately reported  
28 the incident.

29 On July 22nd some correspondence was sent that identified that Kristin Beck, DPT had signed a  
30 prescreening form under Amanda Longoria's name and that the dates that was listed as  
31 her evaluation at home was dates that the patient was admitted into St. Luke's hospital – July  
32 17, 2021. This incident was reported to Hazel, Reggie, and Ryan both senior liaisons and the  
33 business development director.

34 In approximately August Michael Tran was hired – a non-clinician and was working for the  
35 St. Luke's system and assigned to his account that he was and is an active employee of. Michael  
36 on 10/16/2021 sent Amanda a message while at his employer St. Luke's that he had identified a  
37 patient with Medicare and wanted Amanda to see the patient without consent from the patient  
38 or the case management system. Ryan was notified.

39 On 08/16/2021 – a black co- worker sent her status of account and a crackhead (Dave Chappell)  
40 meme was sent in the group to congratulate her on her accomplishments.

41 On 08/16/2021 Michael Tran Received 5 referrals and at the time only 1 was noted to have  
42 been sent by a case manager – this was reported to Reginald Jones. Michael stated that he was  
43 creating referrals prior to receiving them to get his credit.

44 Michael Tran was hired and as a non-clinician it was identified per his accounts that he makes  
45 \$90K or more a year and as such more than more tenured experienced females on the team  
46 and, without a license which is needed to complete the prescreening process.

47 Dates in July, August, September, October, and November when Kristin Beck, DPT was receiving  
48 income from Encompass Health while on the time clock for St. Luke's and retrieving  
49 unauthorized patient information for Encompass Health's Benefit. Which is a dual use of  
50 Medicare dollars from both places of employment and Ryan was notified

51

52 Dates in August, September and October when Michael Tran was on the clock for Encompass

53 Health as well as St. Luke's and retrieving unauthorized patient information for Encompass  
54 Health's Benefit. Also, a dual use with Ryan being notified.  
55 In approximately August Ryan rated me lower than my performance evaluation and refused to  
56 contact my former BDD to evaluate me correctly.  
57 In approximately September 2021 Michael Tran sent the Pearland, TX screenshots of his work  
58 computer with him using his St. Luke's log in to obtain unauthorized patient information and  
59 sent the screen shots via email to Brenda Hudson and the Pearland, Tx admissions team.

60  
61 Approximately July 2021 Ryan Jacobson stated that the policy of Encompass Health  
62 was that

63 no employees were allowed to work from home or outside of their account. From  
64 approximately  
65 July 1st - December 3rd 2021 employees were allowed to work from home and outside  
66 of their  
67 accounts.

68 After the reports of the unauthorized access to patient information and concerns I was  
69 retaliated against and placed on a Personal Improvement plan which hindered me from leaving  
70 the team I was unaware I was on this plan. Upon asking HR they stated they initiate it but was  
71 unable to provide me a reason that I was on the plan.

72 Ryan was notified in approximately late October that he was creating a hostile environment by  
73 having me manage the weekend in a peer-to-peer environment.

74 Ryan advised again on approximately November 9th of the fraudulent use of time,  
75 misappropriation of Medicare/Medicaid dollars and theft of company time, unauthorized  
76 access to patient information from the previous weekend at our Monday morning meeting. On  
77 approximately November 10th, Ryan our business development director informed Amanda  
78 Longoria roommate of Kristin Beck one of the accused and was both who are employed and  
79 2 of the 3 assigned to the St. Luke's account in The Medical center  
80 Amanda advised Kristin of my allegations as told by our supervisor and Kristin was hysterical

81 calling other employees on the team and proceeded to call me explicative names. This occurred  
82 on Wednesday November 10th.

83 Following my meeting with Ryan my expense reports for mileage and other payable expenses  
84 were denied by our regional vice president and Ryan requested a meeting and stated that we  
85 do

86 things differently and that my travel wasn't payable even though it had been paid previously.

87

88 On November 12 I meet with Ryan again regarding follow up on claims of time, abuse,  
89 misuse of company access and information and the allegations of fraud and corporate level  
90 fraud – at the time I was unaware of the potentially dangerous situation with Kristin being  
91 angry and hysterical regarding my report. Ryan stated that his meeting was with Kristin on  
92 November 15th and he hadn't met with her. I also stated that prescreen that were being signed  
93 by some teammates and asked of clinicians to sign were illegal certifications that the patient  
94 meet criteria for an inpatient rehabilitation stay.

95

96 On November 12 I informed Ryan that email only communication would be best due to his  
97 inability to keep confidential information and creating a potentially dangerous situation with a  
98 known bipolar individual.

99 On November 13 I received an email from Kristin Beck with her statement that she needs to  
100 keep her work with Encompass separate from her work with St. Luke's and Ryan responded  
101 that  
102 she needed to work only on the weekends.

103 On approximately November 15 Ryan met with Kristin Beck and she advised a co-worker that  
104 Ryan stated she can work still while she is on the clock for St. Luke's and assist the team with  
105 any information that is needed.

106 On November 16 I met with HR and reported HIPPA, fraud, time, waste, and abuse claims and  
107 was advised to send a statement in writing. I reported that I felt it was a hostile environment

108 that I was being placed in and my concerns were then asked to be placed in an email since  
109 them

110 memory wasn't as great as mine. HR wasn't interested in seeing any of the screen shots or  
111 evidence or my treatment.

112 In Approximately early October it was identified that the men on the team make significantly  
113 more than the women on the team.

114 Upon returning back to a full-time status approximately September 2021 I was due to have my  
115 raise and was given a cost-of-living adjustment as opposed to my required yearly raise.

116 Frances Amber Tyson

117 3214 Flower Reef Circle

118

119 League City TX 77573

120

121

122 Evidence:

123 Text Messages

124 Voice Recordings

125 Emails

126 Encompass Health Employee Handbook

127 Encompass Health Business Code of Conduct,

128   
129

130 Respectfully Submitted,

131 Frances Amber Tyson

## UNITED STATES DISTRICT COURT

for the

Southern \_\_\_\_\_ District of Texas

\_\_\_\_\_ Houstonxxxx \_\_\_\_\_ Division

Frances Amber Tyson

) Case No.

) *(to be filled in by the Clerk's Office)*

) Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

) -v-

) Encompass Health and Mark Tarr

) Jury Trial: (check one)  Yes  No

) Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Non-Prisoner Complaint)

### NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

## I. The Parties to This Complaint

### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Frances Amber Tyson		
Address	3214 Flower Reef Circle		
League City	Texas	77573	
County	City	State	Zip Code
Telephone Number	Galveston County		
E-Mail Address	334-748-0482		

### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

#### Defendant No. 1

Name	Encompass Health		
Job or Title (if known)	107 GOVERNORS DR. SE,		
Address	Huntsville	AL	35801
County	City	State	Zip Code
Telephone Number	256-535-2300		
E-Mail Address (if known)			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

#### Defendant No. 2

Name	MARK J. TAQR		
Job or Title (if known)	ENCOMPASS Health LAKE SHORES		
Address	3800 Ridgeway	AL	75209
County	City	State	Zip Code
Telephone Number			
E-Mail Address (if known)			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

## Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## Defendant No. 3

Name \_\_\_\_\_

Job or Title (*if known*) \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

County \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-Mail Address (*if known*) \_\_\_\_\_

Individual capacity  Official capacity

## Defendant No. 4

Name \_\_\_\_\_  
\_\_\_\_\_

Job or Title (*if known*) \_\_\_\_\_  
\_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

County \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-Mail Address (*if known*) \_\_\_\_\_

Individual capacity  Official capacity

**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

## B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

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### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Houston, Texas

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B. What date and approximate time did the events giving rise to your claim(s) occur?

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C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

SEE ATTACHED

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**IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

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**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff seeks relief in the amount of 200 Million and 100 Million in punitive damages total 300 Million

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*300 Million*      *\$ 300 Million Dollars*

## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

#### **A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/16/21

**Signature of Plaintiff**

Printed Name of Plaintiff

**B. For Attorneys**

Date of signing:

**Signature of Attorney**

Printed Name of Attorney

### Bar Number

Name of Law Firm

### Address

City

---

**State**

*Zip Code*

**Telephone Number**

E-mail Address